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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,755	02/16/2001	Frank Kelly	PD-200327	5518

7590 08/17/2004

Hughes Electronics Corporation  
Patent Docket Administration  
P.O. Box 956  
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El Segundo, CA 90245-0956

EXAMINER

TRAN, THIEN D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 08/17/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/785,755

Applicant(s)

KELLY, FRANK

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 January 1941.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2-4</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1-6, 8-10, 12-18, 20, 21, 23-29, 31, 32, 34-40 are rejected under 35 U.S.C. 102(e) as being participated by Carneal et al (U.S Patent No. 6,532,220 B1).

Regarding claim 1, Carneal discloses a two-way satellite communication system, comprising:

a remote unit 108 (transceiver) configured to transmit signals over a return channel 114 to a satellite and to receive signals over a downlink 112 channel from the satellite, figure 2; and

a hub 104 configured to communicate with the transceiver over the return channel 110 or 116, wherein the hub provides connectivity between the transceiver and an internet network (packet switched network), col.4 lines 30-48.

Regarding claims 2, 14, 25, 35 Carneal discloses that the remote unit (transceiver) transmits the signals over the return channel using a plurality of frequencies (carriers), each of the carriers being a divided to different time slots (TDMA) stream, col.6 lines 40-47.

Regarding claims 3, 15, 26, 36 Carneal discloses that the packet switched network is the Internet, col.6 lines 30-31.

Regarding claims 4, 16, 27, 37 Carneal discloses that the packet switched network is an Internet Protocol (IP) network, col.3 lines 14-18.

Regarding claim 5, Carneal discloses that a user terminal coupled to the transceiver and configured to generate data for transmission over the packet switched network; and an antenna coupled to the transceiver, col.5 lines 5-11.

Regarding claims 6, 18, 29, 39 Carneal discloses the user terminal 118 is configured to perform execute browser to retrieve pages through the hub via an arbitrate frequency (auto-commissioning via a temporary channel) to the satellite, col.5 lines 1-20, col.6 lines 54-59.

Regarding claims 8, 10, 20, 31 Carneal discloses the transceiver supports IP broadcasting (multicasting), col.6 lines 28-31.

Regarding claims 9, 21, 32, 40 Carneal discloses that the hub comprises: a network assignment of frequency and time slot (NCC) configured to manage bandwidth)

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associated with the return channel, col.9 lines 14-23; and a processing of receiving data (burst channel demodulator coupled to the NCC) and configured to demodulate the signals that are received from the return channel, col.8 lines 1-11.

Regarding claims 12, 23, Carneal discloses method for exchanging data in time slots (frames) over a two-way satellite communication system, col.11 lines 2-12, the method comprising:

transmitting the frames over a return channel to a satellite, col.4 lines 49-57; and establishing connectivity to an internet network 102 (packet switched network), figure 1.

Regarding claims 13, 24 Carneal discloses that the transmitting means is a remote unit (transceiver), figure 1.

Regarding claims 17, 28, 38 Carneal discloses generating data for transmission over the packet switched network via the return channel, col.5 lines 12-29.

Regarding claim 34, Carneal discloses computer-readable medium carrying one or more sequences of one or more instructions for exchanging data in time slots (frames) over a two-way satellite communication system, col.11 lines 2-12, the one or more sequences of one or more instructions including instructions which, when executed by one or more processors, cause the one or more processors to perform the steps of transmitting the frames over a return channel to a satellite, col.4 lines 49-57, and establishing connectivity to a packet switched network, figure 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 11, 19, 22, 30, 33, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over participated by Carneal et al (U.S Patent No. 6,532,220 B1) in the view of Heath et al (U.S Patent No. 6,564,274 B1).

Regarding claims 7, 19, 30 Carneal does not disclose that the user terminal couples to the transceiver through a Universal Serial Bus (USB). Heath discloses personal computer coupled the satellite antenna through USB, col.5 lines 55 to 65. Therefore, it would have been obvious to one having ordinary skill in the art to have the transceiver through a Universal Serial Bus (USB) so that data can be processed properly among communication units.

Regarding claim 11, 22, 33, 41 Carneal does not disclose that the signals represent packets that include a Medium Access Control (MAC) address that is based upon traffic type. Heath discloses the MAC address being used in the transmission between two devices, col.18 lines 35-40. Therefore, it would have been obvious to one having ordinary skill in the art to have the feature of MAC address included in the transmission packets so that data can be transmitted to the right destination device.

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Connors (U.S Patent No. 6,449,267 B1) discloses method and apparatus for medium access control from integrated services packet-switched satellite network.

Otten (U.S Patent No. 6,522,865 B1) discloses hybrid satellite communications system.

Reichman et al (U.S Patent No. 6,240,073 B1) discloses reverse link for satellite communication network.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



ALPUS H. HSU  
PRIMARY EXAMINER